

# LEGAL NOTICE

## Summary of Proposed Rulemakings

---

### PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

*The written comment deadline is August 22, 2007, unless otherwise listed.  
(Temp & Prop) indicates the rule is both temporary and proposed.  
\*\* Indicates that a public hearing has been scheduled.*

#### **IDAPA 02 - DEPARTMENT OF AGRICULTURE PO Box 790, Boise, Idaho 83701-0790**

**\*\*02-0421-0701**, Rules Governing the Importation of Animals. (Temp & Prop) Updates rules on Trichomoniasis, Domestic Cervidae, and Rabies; adds sections for the importation of fish; makes minor corrections. Comment by: 8/23/07.

**\*\*02-0429-0701**, Rules Governing Trichomoniasis. (Temp & Prop) Adds Polymerase Chain Reaction as an official test for Trichomoniasis; requires V branding of infected bulls; approves retesting of bulls with inconclusive Trichomoniasis test results; makes minor corrections. Comment by: 8/23/07.

**02-0601-0701**, Rules Governing the Pure Seed Law. Defines the term "Condition."

#### **IDAPA 07 - DIVISION OF BUILDING SAFETY 1090 E. Watertower St., Meridian, ID 83642**

**07-0206-0701**, Rules Concerning Uniform Plumbing Code. Specifies when and under what circumstances sidewall venting and air admittance valves may be used in plumbing systems.

#### **IDAPA 08 - STATE BOARD OF EDUCATION PO Box 83720, Boise, ID 83720-0037**

**08-0113-0701**, Rules Governing the Idaho Opportunity Scholarship Program. (Temp & Prop) New chapter establishes application and selection processes for the Idaho Opportunity Scholarship.

**\*\*08-0202-0701**, Rules Governing Uniformity. (Temp & Prop) Defines "educationally related" credits as being tied to content area, pedagogical best practices, school leadership and/or district need as designated by an administrator.

**\*\*08-0202-0702**, Rules Governing Uniformity. (Temp & Prop) Allows out-of-state certificate holders to waive Idaho Praxis II requirements if they can supply evidence of passing another state's approved content, pedagogy and/or performance area assessment(s).

**\*\*08-0202-0703**, Rules Governing Uniformity. (Temp & Prop) The State Department of Education/Certification Department will evaluate transcripts and experience to determine allowable credits toward certification requirements. Professional Standards Commission may grant an extension to the current three (year) period designated to attain a certificate through the state-approved alternate route. The extension will be granted only under extenuating circumstances in order to protect Highly Qualified status.

**\*\*08-0202-0704**, Rules Governing Uniformity. (Temp & Prop) This change will provide certification to meet the

special needs of virtual schools, distance education and public school/postsecondary partnerships. Postsecondary faculty wishing to teach in K-12 classrooms could qualify for proposed Postsecondary Specialist in order to meet Highly Qualified status without having to earn a standard teaching certificate.

**\*\*08-0202-0705**, Rules Governing Uniformity. (Temp & Prop) The Idaho Technology Competency Assessment (ITCA) is no longer a relevant measurement of necessary technology requirements in Idaho classrooms. Idaho teacher preparation program evaluations include an assessment of the integration of relevant technology that covers the intention of the original ITCA. The ITCA should be removed as a requirement for teacher certification, however, out-of-state applicants and other applicants for interim certification may be reviewed by the hiring district for deficiencies in technology skills, on a case by case basis.

**\*\*08-0202-0706**, Rules Governing Uniformity. (Temp & Prop) The new version changes the incorrectly cited AAS degree to an AS degree as originally intended. It also allows for paraprofessionals with a minimum of 32 credits of formal education to be considered for the program instead of being limited to an Associates Degree.

**08-0203-0702**, Rules Governing Thoroughness. The State Board of Education, in conjunction with the Superintendent of Public Instruction will be consolidating all statewide assessments into the office of the State Board. Subsection 113.03 is being amended to reflect the Board's role in identifying and recognizing schools for rewards.

The State Board of Education will determine adequate yearly progress in compliance with No Child Left Behind. Subsection 112.03 is being amended to reflect the Board's role in determining adequate yearly progress (AYP) for schools and districts in the state. Language is being clarified that AYP must be determined early enough to assure at least thirty days for appeal and final determinations available to schools and districts in time to notify parents before school starts in the fall.

**08-0203-0703**, Rules Governing Thoroughness. (Temp & Prop) As the State Board of Education moves toward a new delivery model for deaf/hard of hearing and blind/visually impaired students, new standards need to be developed. The new standards will provide guidance for the development of the education programs for students who are deaf or hard of hearing and /or those who are blind or visually impaired.

“Program Standards for Infants, Toddlers, Children, and Youth who are Blind or Visually Impaired including those with Additional Disabilities and Deafblindness” and “Program Standards for Infants, Toddlers, Children, and Youth who are Deaf or Hard of Hearing” are incorporated by reference into this rule.

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**PO Box 83720, Boise, ID 83720-0036**

**16-0227-0701**, Idaho Radiation Control Rules. Deletes obsolete rules and citations, adds required sections and updates definition section.

**16-0301-0701**, Eligibility for Health Care Assistance for Families and Children. Changes deem a baby eligible for Medicaid coverage for his first year of life when the baby was born to a mother covered by emergency Medicaid; and SSDI recipients and foster care children receiving child welfare services under Title IV-B of the Social Security Act are now exempt from identification verification because either the Department or the Social Security Administration verifies citizenship and identity before they issue benefits.

**\*\*16-0305-0702**, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD). (Temp & Prop) Complies with SB 1170 by eliminating requirement that the qualified long-term care policy must be exhausted before the individual can be eligible for an asset disregard when eligibility for Medicaid is determined.

**16-0310-0703**, Medicaid Enhanced Plan Benefits. (Temp & Prop) Simplifying the process used to determine a Medicaid participant's eligibility for nursing facility care to increase efficiencies without sacrificing accuracy.

**16-0323-0701**, Rules Governing Uniform Assessments for State-Funded Clients. (Temp & Prop) Removes the term “nursing facilities” from the definition of “Supported Living Services Provider” since the Uniform Assessment Instrument (UAI) will no longer be used for nursing facility residents and removes the reference to the use of the UAI for nursing facility resident reassessments since the MDS will be able to be used directly as a result of the changes in the “Medicaid's Enhanced Plan Benefits” chapter.

**IDAPA 18 - DEPARTMENT OF INSURANCE****PO Box 83720, Boise, ID 83720-0044**

**18-0106-0601**, Rule to Implement Uniform Coverage for Newborn and Newly Adopted Children. New chapter clarifies requirements for providing coverage to newborn and newly adopted children and defines what constitutes a congenital anomaly and the extent to which they must be covered under insurance policies, and sets forth period for premium payment to secure coverage.

**IDAPA 21 - DIVISION OF VETERANS SERVICES****320 Collins Rd, Boise, ID 83702**

**21-0101-0701**, Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure. Adds to and clarifies definitions; clarifies the basis for discharge from a veterans home; and revises the look back period for disposal of assets to match federal program requirements.

**IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES****1109 Main St., Ste. 220, Boise, ID 83702**

**24-2101-0701**, Rules of the Idaho State Contractors Board. Change allows the Board to consider felony convictions when determining eligibility for registration.

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY****1410 N. Hilton, Boise, ID 83706-1255**

**\*\*58-0101-0701**, Rules for the Control of Air Pollution in Idaho. Updates and removes certain federal regulations that are incorporated by reference. Comment by: 9/26/07

**58-0104-0701**, Rules for Administration of Wastewater Treatment Facility Grants. Changes the environmental review process for grants and removes references to construction and other obsolete language, revises definitions and rule text for consistency with other DEQ rules. Comment by: 8/29/07

**58-0105-0701**, Rules and Standards for Hazardous Waste. Updates incorporation by reference section to comply with current federal regulations. Comment by: 8/29/07.

**58-0108-0701**, Idaho Rules for Public Drinking Water Systems. Incorporates by reference 2 new federal regulations and updates definitions sections in order to retain primacy in administering the Safe Drinking Water Act. Comment by: 8/29/07.

**58-0110-0701**, Rules Regulating the Disposal of Radioactive Materials Not Regulated Under The Atomic Energy Act of 1954, As Amended. Adds a new category of radioactive materials that must be disposed of at a permitted hazardous waste disposal facility. Comment by: 8/29/07.

**58-0120-0701**, Rules for Administration of Drinking Water Loan Program. Revises the conditions and qualifications for disadvantaged loans to assist small communities in qualifying for loans. Comment by: 8/29/07.

**58-0122-0701**, Rules for Administration of Planning Grants for Public Drinking Water Facilities. Revises the requirements for environmental information document preparation when applying for grants to conform with requirements already established in other department rules. Comment by: 8/29/07.

Please refer to the Idaho Administrative Bulletin, **August 1, 2007, Volume 07-8** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact information.

***Issues of the Idaho Administrative Bulletin can be viewed at the county law libraries or online.***

To subscribe to the Administrative Bulletin and other rules publications see our website or call (208) 332-1820 or write the Office of Administrative Rules, Department of Administration, 650 W. State St., Room 100, Boise, ID 83720-0306. Visa and MasterCard accepted for most purchases.

The Idaho Administrative Bulletin and Administrative Code are available on-line at: **<http://www2.state.id.us/adm/adminrules/>**